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Attorneys for Defendant  
CBS STUDIOS INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DELRAY RICHARDSON p/k/a DELRAY  
d/b/a DEL FUNK BOY MUSIC, an individual,  
and STERLING A. SNYDER d/b/a/ ZION  
RECORDS, an individual,

Case No. CV12-7925 ABC (SHx)  
Honorable Audrey B. Collins

FRCP 26(f) REPORT

Plaintiffs,

vs.

CBS STUDIOS INC., d/b/a CBS TELEVISION  
DISTRIBUTION, a division of CBS  
CORPORATION, a Delaware corporation,

Scheduling Conference: 12/17/2012  
Time: 10:00 a.m.  
Ctrm: 680 Roybal Building

Defendants.

Pursuant to FRCP 26(f) and this Court's Order Re: Scheduling Conference,  
Defendant CBS Studios Inc. ("CBS") presents its FRCP 26(f) Report:

Plaintiffs, who are *in pro per*, have failed to make themselves available for the  
required meetings under Rules 16 and 26. Counsel for CBS made several attempts to  
obtain information from Plaintiffs to be able to prepare a Joint Report. Plaintiffs have  
not provided any information and this Report is accordingly filed unilaterally. CBS does  
not know whether Plaintiffs will appear for the scheduling conference, but suggests that

1 if Plaintiffs fail to do so, this action should be dismissed with prejudice in its entirety.

2 1. Plaintiffs' Claims

3  
4 Defendant's Defenses

5 Neither Plaintiff has standing to bring a copyright claim on the three  
6 copyright registrations which are attached to the Complaint. The first registration, dated  
7 April 16, 2004 (No. PAu2-864-138), states that the registration is for a work entitled  
8 "Delfunkboy Music Inc./Collection Hits Love You So 'Ass Like That' 'Kind of Women' 'I  
9 Don't Care'". Box 2 states that Plaintiff Delray Richardson ("Delray") and Jean-Yves  
10 Ducornet are both authors of the words and music. In Box 4, Delray claims to be the  
11 sole copyright claimant. However, in the box that states, "TRANSFER: If the  
12 claimant(s) named here in space 4 is (are) different from the author(s) named in space  
13 2, give a brief statement of how the claimant(s) obtained ownership of the copyright,"  
14 there is nothing but a blank space.

15 CBS is informed and believes that Delray never in fact obtained ownership of Mr.  
16 Ducornet's interest in the copyrights at issue in this action.

17 Regarding the second copyright registration, dated October 3, 2011 (SR 692-  
18 860), for a work entitled "Zion," both the author and copyright claimant are identified as  
19 Zion Pick. Zion Pick is not a named plaintiff, nor is he or she identified anywhere in the  
20 Complaint. It is alleged that Plaintiff Sterling A. Snyder is the "chief financial officer for  
21 recording company Zion Records which owns and controls the rights to (2) of the  
22 underlying sound recordings . . . ." Complaint, Paragraph 10.

23 The third registration, dated April 3, 2012 (SRu 1-073-146) for a work entitled  
24 "Delfunkboy Music & Paperwork Productions tracks library," again shows both Delray  
25 and Jean-Yves Ducornet as co-authors, but Delray is the sole copyright claimant.

1        These three alleged copyright registrations not only fail to confer standing on  
2 Delray or Snyder, they are a fraud on Mr. Ducornet and the Copyright Office.

3        To the extent Defendant CBS used any of the music about which Plaintiffs  
4 complain, in connection with the television program "America's Next Top Model," it was  
5 properly licensed from Jean-Yves Ducornet through his publishing company, PEN  
6 Music Group, Inc. As a co-owner of the copyrights at issue, Mr. Ducornet is entitled to  
7 license the compositions and sound recordings as long as he accounts to his co-  
8 authors.

9        Key Legal Issues:

10        *Plaintiffs:*

11  
12        *Defendant:* (a) Standing to bring a copyright infringement action when the  
13 copyright registration sued upon contains false information; (b) Right of a joint copyright  
14 owner to license his or her joint work.

15  
16        Likelihood of Motions Seeking to Add Parties or Claims:

17        *Plaintiffs:*

18  
19        *Defendant:*

20        None.

21  
22        Discovery and Experts:

23        *Plaintiffs:*

24  
25        *Defendant:*



1 Defendant will take the depositions of Plaintiffs and serve written discovery,  
2 primarily Requests for Production of Documents. An expert does not appear necessary  
3 at this time.

4  
5 Issues Which May be Resolved by Summary Judgment

6 *Plaintiffs:*

7  
8  
9 *Defendant:*

10 All issues concerning copyright infringement can be decided by summary  
11 judgment. Please note that the Court has dismissed all of Plaintiffs' claims with the  
12 exception of the three alleging copyright infringement.

13  
14 Alternative Dispute Resolution

15 *Plaintiffs:*

16  
17 *Defendant:* Counsel for CBS prefers to be referred to the Mediation Panel.

18  
19 Proposed Cut-off Dates:

20 Motions to amend pleadings by adding parties or claims: February 1, 2013

21 Discovery Cut-Off: June 30, 2014

22 Motion Cut-Off: August 1, 2013

1 Proposed Jury Trial Date:

2 October 1, 2013

3  
4 Dated: December 11, 2012

5 LAW OFFICES OF ROBERT S. BESSER

6  
7 By: 

ROBERT S. BESSER

8 Attorneys for Defendant CBS Studios Inc.

CERTIFICATE OF SERVICE

I am employed in the law offices of a member of the bar of the State of California. I am over the age of 19 and not a party to this action. My business address is 1221 Second St., Third Floor, Santa Monica, CA.

On this date, I served the foregoing document entitled Rule 26(f) Report on all interested parties in this action by:

[XX] placing a true and correct copy thereof enclosed in a sealed envelope with postage fully pre-paid and addressed as follows:

Delray Richardson  
Sterling Snyder  
2191 East 21<sup>st</sup> Street Box K  
Signal Hill, CA 90755

[XX] VIA MAIL: I am "readily familiar" with the firm's collection and processing of correspondence for mailing. Under that practice it is deposited with the U.S. Postal Service on the same day, with postage fully prepaid, at Santa Monica, California. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit stated in this affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 11, 2012 at Santa Monica, California.

  
\_\_\_\_\_  
Robin Sanders